IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 6046 of 2006(T)

OS.351/2004 OF MUNSIFF COURT, TIRUR
.....

PETITIONER:

SOMASEKHARAN NAIR, S/O. NARAYANAN ADIYAL VELAKKATHODI MANKKADIYIL, ATHAVANAD AMSOM DESOM, TIRUR TALUK.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:
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1. KARUNATHODIYIL CHATHAPPAN, S/O. CHATHAN, ATHAVANAD AMSOM DESOM, TIRUR TALUK.

2. KARUVANTHODI PARAMBIL KANNAKARAYI S/O. CHATHAN, DO. DO.

3. KARUVANTHODI PARAMBIL THAMI, S/O. CHATHAN, DO. DO.

4. KARUVANTHODI PARAMBIL VASALA & CHAKKO D/O. CHATHAN, DO. DO.

5. KARUVANTHODI PARAMBIL MUNDI, S/O. CHATHAN, DO. DO.

6. KARUVANTHODI PARAMBIL SUKUMARAN, S/O. CHATHAN, DO. DO.

R6 BY ADV. SRI.PROMY KAPRAKKATT
SRI.K.N.ABHILASH
SRI.SUNIL NAIR PALAKKAT
SMT.P.K.BEENA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 6046/2006 T

APPENDIX

PETITIONER'S EXHIBITS,

EXT.P1. COPY OF THE PLAINT IN OS NO. 351/2004 ON THE FILE OF THE COURT OF THE MUNSIFF OF TIRUR DT. 18/12/2004.

EXT.P2. COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT IN OS NO. 351/2004.

EXT.P3. COPY OF THE ORDER IN IA NO. 2285/2004 DT. 2/3/05.

EXT.P4. COPY OF THE ORDER IN CMA NO. 11/2005 DT. 23/6/2005 OF THE SUB COURT, TIRUR.

True copy

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PIUS C. KURIAKOSE, J.

W.P.(C) NO. 6046 of 2006

Dated this the 5th day of July, 2007

JUDGMENT

Ext.P3 order of the learned Munsiff dismissing the application for temporary injunction filed by the petitioner and Ext.P4 judgment of the learned District Judge confirming Ext.P3 are under challenge in this writ petition under Article 227 of the Constitution filed by the plaintiff.

2. Having gone through Exts.P3 and P4 and having heard the submissions of Sri.T.Krishnanunni, the learned counsel for the petitioner and those of Sri.Sunil Nair, the learned counsel for the respondents, I am of the view that there is no warrant for invoking supervisory jurisdiction of this court under Article 227 which is visitorial in nature and is expected to be invoked only in exceptional circumstances. Challenge against Exts.P3 and P4 o fails.

I am informed that the suit is ripe for trial. Under the above

circumstances, I dispose of the writ petition directing the learned Munsiff to try and dispose of O.S.No.351/2004 uninfluenced by the observations and findings in Exts.P3 and P4. The suit will be disposed of by the learned Munsiff at the earliest and at any rate within two months of receiving a copy of this judgment on the basis of the evidence which comes on record during trial.

PIUS C. KURIAKOSE,
JUDGE.

dpk